

**Remarks/Arguments**

**Office Action Summary**

**Status.**

1. This *RESPONSE A* is in answer to the Office communication mailed 04/19/2007.
2. The Office communication is non-final.
3. NA

**Disposition of Claims.**

4. Claims 1 - 42 are pending in the application.
5. Claims 31 - 42 have been allowed.
6. Claims 1 - 15 stand rejected.
7. Claims 16 - 30 are objected to.
8. NA

**Application Papers.**

9. NA
10. NA
11. NA

**Priority under 35 U.S.C. § 119.**

12. NA

**DETAILED ACTION**

**Claim Rejections - 35 USC § 102**

The quotation of 35 USC § 102 (e) is noted.

1. Claims 1-5, 10-14 are rejected under 35 U.S.C. 102(e) as being anticipated by McDonough et al (US 20040062298). This rejection is respectfully traversed for the following reasons.

1.1. **Claim 1 Rejection.** In making the rejection, the Examiner argues as follows (with numbering added for ease of reference):

- 1.1.1. *“As to claim 1, McDonough teaches a test system including*
- 1.1.2. *a generator for generating an agile frequency test signal for testing a test radio where the test radio has specifications for operating in a communications system comprising,*
- 1.1.3. *a signal component source (see fig. 3, number 317, paragraphs 0041-0046) for providing signal components including test parameters and including a test sequence and test symbols derived from radio transmissions of the communications system,*
- 1.1.4. *a signal generator (see fig. 3, number 321, paragraphs 0041-0046) for digitally processing the test sequence, the test symbols and test parameters to form an agile test signal,*
- 1.1.5. *a transmitter for transmitting the test signal to the test radio (see paragraphs 0041-0046).”*

1.2. The Examiner’s argument supporting the rejection as quoted in Section 1.1 is in error for a number of reasons. Specifically, as to Section 1.1.1, McDonough does not teach a test system *for generating and transmitting a test signal for testing a test radio*, but rather McDonough only describes a system for *detecting signals*. (See McDonough’s title “SYSTEM ... FOR ... DETECTING ... SIGNALS”, see first sentence of McDonough’s ABSTRACT, “System ... for ... detection of ... signals” and see McDonough’s SUMMARY, paragraph [0013] “... receiving...”; paragraph [0014] “... a received sequence ...”; paragraph [0015] “... wireless receiver...”.

1.3. The Examiner's argument supporting the rejection, as quoted in Section 1.1.2 above, is in error. No where does McDonough describe or suggest a "*a generator for generating an agile frequency test signal*". McDonough is only concerned with analysis of received signals and not with generation of test signals as pointed out in Section 1.2 above.

1.4. The Examiner's argument supporting the rejection, as quoted in Section 1.1.4 above, is in error. No where does McDonough describe or suggest forming "*an agile test signal*". If the Examiner persists in the rejection, the Examiner is respectfully requested to identify what in McDonough constitutes a test signal and what transmitter transmits that test signal. Applicant can find none.

1.5. The Examiner's argument supporting the rejection, as quoted in Section 1.1.5 above, is in error. No where does McDonough describe or suggest "*a transmitter for transmitting the test signal to the test radio*". McDonough is only concerned with analysis of received signals and not with transmission of test signals, either directly or by implication.

1.6. In summary, McDonough has no description and has no disclosure about the nature of transmitted test signals; how they are formed, generated or transmitted. McDonough is only concerned with received signals and how to process the received signals. McDonough makes no suggestion that anything related to the processing of the received signals would be useful in forming signals to be transmitted for testing a radio.

1.7. **Claims 2, 3 Rejection.** In making the rejection, the Examiner argues as follows (with numbering added for ease of reference):

1.7.1. *As to claims 2, 3, McDonough teaches wherein the test system extracts the signal components from the transmission of a transmitting radio for the communications system;*

1.7.2. *wherein the transmitting radio is the test radio (see paragraph 0041).*

1.7.3. The Examiner's argument supporting the rejection, as quoted in Section 1.7.2 above, is in error. Nothing in McDonough teaches how or what signals are to be generated in the "transmitting radio" in McDonough. The Examiner has reversed the roles of the transmitter radio and receiver radio in McDonough. In Applicants' claimed invention, the test radio must be a radio receiving the "agile test signal".

1.7.3.1. The Examiner argues as quoted in Section 1.7.2 that the "test radio" is the radio transmitting the "test" signal. If as argued by the Examiner, the test radio is the transmitting radio, then the "test" radio in McDonough never receives the agile test signal and the "test" radio in McDonough therefore cannot be actually tested. Furthermore, there still is nothing in McDonough that generates or transmits agile test signals as required by Applicants' claims.

1.7.3.2. Applicants' Claim 3 recites that "the transmitting radio is the test radio". While the transmitting radio can be the test radio, such condition does not remove the requirement that the test radio must also receive the agile test signal. Such a relationship is shown in Applicants' FIG 2 where the radio 102 both transmits and receives. By way of distinction, nothing in McDonough shows or suggests a test radio that receives an "agile test signal". The Examiner's argument as quoted in Section 1.7.2 above that "*the transmitting radio is the test radio*" does not address the requirement of Applicants' claims that the test radio must receive the agile test signal. In addition to a receiver of the test signal, a generator and transmitter for transmitting the agile test signal must also be present in Applicants' claims, but none is present in McDonough.

1.8. **Claims 4 Rejection.** In making the rejection, the Examiner argues as follows (with numbering added for ease of reference):

- 1.8.1.1. *As to claim 4, McDonough teaches wherein the transmitting radio is different from the test radio and*
- 1.8.1.2. *wherein the test radio has the same specifications as the test radio (see paragraph 0088).*

**1.8.2.** Nothing in McDonough teaches the Examiner's argument quoted in Section 1.9.1 above "*wherein the transmitting radio is different from the test radio*". Specifically, paragraph [0088] cited by the Examiner has been studied carefully and nothing can be found in said paragraph that supports the Examiner's argument. The paragraph [0088] does not discuss a *transmitting radio* and a *test radio*. Similarly, the Examiner's argument quoted in Section 1.92 above is not supported by McDonough. Specifically, paragraph [0088] cited by the Examiner has been studied carefully and paragraph [0088] does not discuss a *transmitting radio* and a *test radio*, nor is there any discussion of specifications that may be the same or different for two radios.

**1.9. Claims 5 Rejection.** In making the rejection, the Examiner argues as follows (with numbering added for ease of reference):

- 1.9.1. *As to claim 5, McDonough teaches wherein the component source includes a memory*
- 1.9.2. *for storing digital values of the signal components (see fig. 7, number 730, paragraph 0088).*

1.9.3. The Examiner's arguments are not supported by McDonough. The Examiner states, as quoted in Section 1.9.1, that McDonough includes memory 730. However, paragraph [0090] of McDonough that refers to memory 730 does not describe any function other than storage for that memory. Paragraph [0088] cited by the Examiner makes no reference to any memory. Therefore, the Examiner's conclusion that McDonough teaches anything about *storing digital values of the signal components* is not supported by the referenced locations in McDonough cited by the Examiner.

**1.10. Claims 10, 11 Rejection.** In making the rejection, the Examiner argues as follows (with numbering added for ease of reference):

*1.10.1. As to claims 10, 11, McDonough teaches where the test radio is monitored to determine performance in response to the agile test signal; where the test signal is transmitted by a transmit antenna to a receive antenna of the test radio (see fig. 7, number 705, paragraph 0088).*

1.10.2. The Examiner's argument supporting the rejection, as quoted in Section 1.10.1 above, is in error. Nothing in McDonough teaches monitoring the test radio in response to an agile test signal. In FIG 7 of McDonough, a receiver radio is shown with a receiver antenna 705. All of the processing in McDonough occurs upon the received signal such as the signal from antenna 705. The received signal in McDonough is not used to generate any signal (an agile test signal or other signal) for transmission to a test radio. The Examiner argues that FIG 7 of McDonough is the test radio, but nowhere in McDonough is there any description of generation of an agile test signal for transmission to that test radio of FIG 7 of McDonough. Applicants' Claim 1, for example, requires such generation.

1.10.3. The Examiner's argument as quoted in Section 1.10.1 that the receiver in McDonough is the test radio is inconsistent with the Examiner's argument quoted in Section 1.7.2 above that the transmitting radio is the test radio. Regardless as to which is the test radio in McDonough, McDonough does not show generation an agile test signal for transmission to that test radio as required by Applicants' claims.

1.10.4. If the Examiner persists in the rejection, the Examiner is respectfully requested to identify in McDonough the agile test signal, the transmitter that transmits that agile test signal and the receiver that receives the agile test signal.

1.11. **Claims 13, 14 Rejection.** In making the rejection, the Examiner argues as follows (with numbering added for ease of reference):

*1.11.1. As to claims 13, 14, McDonough teaches where interference signals are added to the test signal; where noise is added to the test signal (see paragraphs 0088).*

1.12. The Examiner's argument supporting the rejection, as quoted in Section 1.11.1 above, is in error. In paragraph [0088], noise and interference are **removed** from the received signal whereas Applicants' claims require that noise and interference be **added** to the transmitted signal. The operation in McDonough of removing noise and interference from a received signal is conventional in order to be able to better process the received signal. However, adding noise and interference to a signal to be transmitted is not conventional and is not suggested in any way by McDonough.

### **Claim Rejections - 35 USC § 103**

The citation of 35 USC § 103(a) by the Examiner is noted.

2. **Claims 6-9, 15 Rejection.** Claims 6-9, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonough et al (US 20040062298) in view of Taki et al (US 20040070490). Applicants respectfully traverse this rejection for the following reason.

2.1. In making the rejection the Examiner argues,

*“... McDonough fails to teach wherein the test sequence is a hopping sequence and the test radio is a frequency hopping radio; wherein signal hop frequencies and message symbols are extracted from the transmission of a transmitting radio for the communications system.”*

2.2. As discussed above in Sections 1.1 to 1.6, McDonough fails teach generation of any test sequence. Also, Taki fails to teach generation of any test sequence. Therefore, the combination of McDonough with Taki similarly does not teach generation of any test sequence.

### **Allowable Subject Matter**

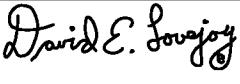
3. Claim 16 has been amended to be in independent form incorporating all the limitations of Claim 1 and hence Claims 16-30 are believed allowable as amended.

### **Other**

4. The allowance of Claims 31-42 is noted.

5. The prior art made of record is noted.

Respectfully submitted,

|   | <b>SIGNATURE</b>   |  |
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